



State of Utah

Department of Natural Resources

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Executive Director

Division of Oil, Gas & Mining

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Division Director

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Governor

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Lieutenant Governor

May 21, 2004

Brad Boyter
Western Clay Company
508 East Center
Aurora, Utah 84620-0127

Subject: Acceptance of Notice of Intention to Commence Small Mining Operations,
Western Clay Company, Star Range Dolomite Project, S/001/065, Beaver
County, Utah

Dear Mr. Boyter:

Thank you for your Notice of Intention to Commence Small Mining Operations and initial \$150.00 permit application fee, received by the Division on May 3, 2004. The proposed Star Range Dolomite Project is located in the NE1/4 SW1/4 of Section 21, T28S R11W, SLBM, Beaver County, Utah.

Before we could grant acceptance of the notice, we were required to forward a copy of your notice to the Utah Division of State History to assure that no historical or archaeological properties were in the area of the proposed operation. We have not received any notification from State History, within the specified timeframe, as to whether or not there are any historical concerns in the proposed location. Therefore, it is incumbent upon the operator to assure that no cultural concerns are encountered. If you do encounter any archaeological or historical concerns, you are to immediately cease operations and notify this office, the BLM, and State History of your find.

The Division finds your application complete and no additional information is required by this office at this time. **You may commence with your mining operations as outlined, provided you have satisfied and received written acceptance from the Bureau of Land Management.**

In accordance with the requirements of Rule R647-3-105, regarding the project location and disturbed area identification on a topographic map, *the Division also requires the operator mark the proposed/actual disturbed area boundary (including access/haul roads) in the field with metal T-Posts (or other suitable, fixed markers) to assure that operations do not exceed the five acre limitation of this permit.* Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

Brad Boyter
Page 2 of 2
S/001/065
May 21, 2004

The acceptance of this notice is for a small mining operation only, **not to exceed five acres**. Should you wish to expand your operation beyond the five (5) acre limitation, please notify this office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 2002, and annually thereafter, the fees were increased to \$150.00 for small mining notices.

Also, during the 2003 Legislative Session, the Legislature revised the Utah Mined Land Reclamation Act. Surety is now required to be posted by all mining operations. The Cedar City BLM office has forwarded copies of your \$6,000 surety posted with the state BLM office for the anticipated disturbances associated with this notice. Because the Division and BLM have an agreement concerning the bonding of small mine notices, we will consider this bond amount acceptable and no additional bond will be required at this time. In the near future, we may require that the bond be revised to include the Division as a beneficiary.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices," and the statutory penalty for failure to reclaim a minesite (SMO-summary). Please give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Best wishes with your mining operation.

Sincerely,



Tom Munson
Senior Reclamation Hydrologist

TM:jb
Enclosure: SMO summary
cc: Ed Ginouves, BLM, Cedar City FO (UTU-80512)
O:\M001-Beaver\S0010065-starrange\final\S-complt-05212004.doc

From: Joelle Burns
To: Jim Dykman
Date: 5/4/04 12:40PM
Subject: New (old) Notice - Western Clay Company - Star Range Dolomite - S/001/065

Jim: The maps they sent with this notice are too hard to read so Paul scanned in a better copy of the map. I am sending this notice to you again with that map attached. I will also fax the notice with this clean map to you.

Project located in:

NE1/4 of the SW1/4 of Section 21, T28S, R11W, Beaver County, Utah.
We show the UTM's as 316,935 E 4,247,481 N.

Thank you for your timely response to this review.

Joelle